

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES OF THE BRICKLAYERS AND
ALLIED CRAFTWORKERS, LOCAL 5 NEW
YORK RETIREMENT, WELFARE, LABOR
MANAGEMENT COLALITION AND
APPRENTICE TRAINING AND JOURNEYMEN
UPGRADING FUNDS, and BRICKLAYERS
AND ALLIED CRAFTWORKERS LOCAL 5
NEW YORK,

Plaintiffs,

-against-

PROFEX, INC. and RONALD BLOOMER,
Individually,

Defendants.
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ANSWER

Docket No.: 08 Civ. 3870

Assigned to:
Hon. Charles L. Brieant

Defendants, **PROFEX, INC. and ROLAND BLOOMER, s/h/a RONALD BLOOMER, INDIVIDUALLY**, by their attorneys, **WORMSER, KIELY, GALEF & JACOBS LLP**, as and for their Answer to the Complaint alleges:

1. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraphs "2", "3", "4", "5", "6", "7", "8", "9" and "11" of the Complaint.

2. Denies the allegations contained in paragraphs "14", "16", "17", "18", "19", "20", "21", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "45", "46", "47", "48", "49", "50" and "51" of the Complaint.

3. Denies in the form alleged the allegations contained in Paragraphs "1", "13", "15" "22", "33" and "44" of the Complaint.

4. Denies the allegations contained in Paragraph "12" of the Complaint, except admits that Mr. Bloomer is President of Profex, Inc.

5. Admits the allegations contained in Paragraph "10" of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

6. Plaintiffs have failed to state a cause of action as to the first cause of action.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. Plaintiffs have failed to state a cause of action as to the second cause of action.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. Plaintiffs have failed to state a cause of action as to the third cause of action.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

9. Plaintiffs have failed to state a cause of action as to the fourth cause of action.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

10. Plaintiffs have failed to state a cause of action as to the fifth cause of action.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

11. Plaintiffs have failed to state a cause of action as to the sixth cause of action.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

12. Plaintiffs have failed to state a cause of action as to the seventh cause of action.

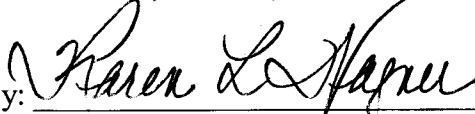
AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

13. Plaintiffs have failed to state a cause of action as to the eighth cause of action.

WHEREFORE, Defendants, PROFEX, INC. and ROLAND BLOOMER, s/h/a RONALD BLOOMER, INDIVIDUALLY, respectfully request that the Complaint be dismissed together with the costs and disbursements of this action.

Dated: White Plains, New York
June 10, 2008

WORMSER, KIELY, GALEF & JACOBS LLP

By: 

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